

UNITED STATE DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Eastern Division

Case No. 05-11622-MLW

OLGA A. SAHAN,
Plaintiff,

vs.

HOME DEPOT U.S.A., Inc.,
Defendant.

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Joint Status Report

A Scheduling Order was issued by this Court on June 2, 2006, pursuant to Fed. R. Civ. P. 16(b) and Local Rule 16.1 (F), ordering the parties to file a Joint Status Report with the Court by April 20, 2007, prior to the Status Conference scheduled for April 25, 2007 at 4:00 p.m. On April 18, 2007, the Court issued a notice canceling the April 25 conference and rescheduling it for May 3, 2007 at 3:30 p.m. On April 18, 2007, Deputy Clerk Dennis O'Leary confirmed that the new deadline for filing the Joint Status Report with the Court would be Thursday, April 26, 2007. Pursuant to the Court's orders, counsel for the parties conferred for the express purpose of providing the Court with the status as to 1) settlement prospects, 2) the parties' position on summary judgment, and 3) outstanding discovery issues.

Based on this conference, the parties hereby submit this Joint Status Report.

I. STATUS OF SETTLEMENT

Having now completed discovery, the parties have conferred several times regarding settlement, but to date the discussions have not been fruitful. Given the current offer by Defendant, Plaintiff does not believe that a referral to mediation will be a productive use of time and resources and is ready to proceed to trial. Defendant believes that this case should be referred to mediation and that mediation would be productive.

II. PARTIES' POSITION ON SUMMARY JUDGMENT

Plaintiff intends to voluntarily dismiss her claims of gender discrimination (Counts III, IV, V, and VI), and only prosecute her claims for nonpayment of wages (Counts I and II). Defendant believes that summary judgment is appropriate on all or part of Plaintiff's remaining claims and, therefore, respectfully requests that the Court set a briefing schedule. Plaintiff does not believe that summary judgment is appropriate in this matter given that there are genuine issues of material fact as to whether or not Plaintiff worked overtime hours for which she was not compensated, and if so, the number of overtime hours Plaintiff worked.

III. OUTSTANDING DISCOVERY ISSUES

The parties have one unresolved discovery issue regarding two requests made by the Plaintiff for the production of documents served on Defendant's counsel on July 19, 2006 and responded to by Defendant on August 31, 2006. The parties have been attempting to resolve these disputes since January 2007. To date, the dispute has not been resolved. Absent agreement in advance of the Status Conference on May 3, 2007, Plaintiff may need to file a motion to compel the production of these documents.

Respectfully submitted,
Attorneys for Plaintiff
OLGA A. SAHAN,

Respectfully submitted,
Attorney for Defendant
HOME DEPOT U.S.A., INC.,

/s/ Nina Joan Kimball

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Dated: April 26, 2007